

**Marked Agendas
Approved Minutes
Approved Reports**

Official signed Ordinances/Resolutions and approved Minutes can found at:

<https://eservices.scottsdaleaz.gov/cityclerk/DocumentSearch>

Planning Commission: 04/10/2019

City Council: 05/14/2019

Case History: 554-PA-2018

Resolution No. 11453

10-UP-2013#3

Patient Alternative Relief Center

CITY COUNCIL REPORT



Meeting Date: May 14, 2019
 General Plan Element: *Land Use*
 General Plan Goal: *Create a sense of community through land uses; support a diversity of businesses*

ACTION

Patient Alternative Relief Center

10-UP-2013#3

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 11453 for an amendment to an existing Conditional Use Permit (10-UP-2013) to expand an existing Medical Marijuana use from the current floor area of 1,500 sq. ft. to 15,000 sq. ft. (suites 1 thru 10 in two buildings), to allow for additional space for product infusion and cultivation, on a site located at 7655 E. Evans Rd., with Industrial Park District (I-1) zoning.

Goal/Purpose of Request

The applicant seeks approval to expand an existing medical marijuana (MM) use to provide more floor area for cultivation and product infusion.

Key Items for Consideration

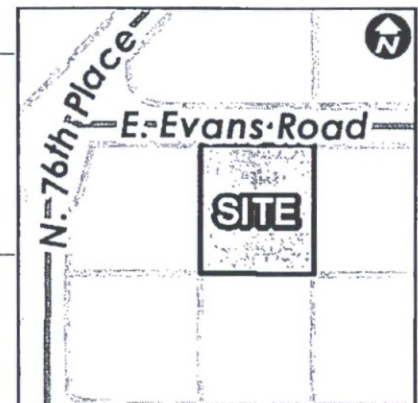
- Conditional Use Permit Criteria
- Current ordinance allows expansion of existing facilities in operation prior to 9/30/16, utilizing previous separation criteria
- Public Safety and Refuse Control Plan approved by Police Department
- Public comment received by staff
- Planning Commission recommended approval with a vote of 5-0

OWNER

Hot Properties LLC
 602-469-1530

APPLICANT CONTACT

Robert Chilton
 Rain Strategies, LLC
 602-692-3330



LOCATION

7655 E. Evans Road, Suites 1 thru 10

BACKGROUND

Zoning

The site is zoned Industrial Park District (I-1), which allows for a wide variety of light industrial and office uses. A Medical Marijuana use is allowed subject to a Conditional Use Permit (CUP).

Context

The subject property is part of the Thunderbird Industrial Airpark No. 4 commercial subdivision. All the surrounding properties are also zoned I-1 and are occupied by office, warehouse and light industrial uses. The site is located 300 feet east of the Scottsdale Airport and there are no protected uses within 500 feet of the site; nor is there an existing medical marijuana facility within 1,320 feet of the site (previous CUP criteria). Please refer to context graphics attached.

Adjacent Uses and Zoning

- North: Office, zoned I-1
- South: Light Industrial, zoned I-1
- East: Office, zoned I-1
- West: Office, zoned I-1

Other Related Policies, References:

- Zoning Ordinance
- 8-TA-2010: Approved text amendment to allow MM related uses and establish use criteria
- 8-TA-2010#2: Approved text amendment to clarify separation requirements
- 8-TA-2010#3: Approved text amendment to add protected uses and increase separation requirements
- 10-UP-2013: Approved CUP for a medical marijuana facility
- 10-UP-2013#2: Request to amend existing CUP (withdrawn by applicant)

APPLICANTS PROPOSAL

Development Information

Currently, the applicant's establishment occupies one of 10 suites on the site and has been using the suite for cultivation and product infusion. This request would expand operations to all 10 suites in two buildings, though all but two of the suites would be utilized for product infusion and/or cultivation at a future date as demand warrants. No dispensary is proposed as part of the operation plan.

- Existing Use: Medical Marijuana/Light Industrial
- Proposed Use: Medical Marijuana (cultivation and infusion only)

- Parking Required: 19 spaces (1:800 for warehouse operations)
- Parking Provided: 26 spaces
- Floor Area: 15,000 square feet

IMPACT ANALYSIS

Land Use

The proposed expansion will eventually occupy all 10 suites on the site. Currently, the other suites (8 thru 10) are occupied by light industrial uses. These uses will be phased out as leases expire and current occupants relocate. The majority of uses in the surrounding area are warehouse/wholesale and office uses, similar in intensity and character to the proposed use. It is anticipated this facility will operate similar to a light industrial/warehouse use, with vehicular and foot traffic limited to employees, security, and dispensary owners only. It will not be open to the general public.

State Regulations

The Arizona Department of Health Services (ADHS) requires medical marijuana cultivation or infusion uses to operate under an existing valid medical marijuana dispensary registration certificate. The proposed cultivation/infusion facility will operate remotely in conjunction with an established medical marijuana dispensary located elsewhere in the Phoenix metro area.

Airport Vicinity

The Scottsdale Airport was made aware of this application and advised Planning staff that they did not need to review it, as the use and all buildings are existing.

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - All operations associated with this use will be conducted within the building. An odor remediation system will be utilized to mitigate the potential for odors emanating from the facility. No additional outdoor lighting is proposed as part of this application and the proposed use is compatible with surrounding uses. No damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination is anticipated.

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **The proposed facility will not be open to the general public and vehicular and foot traffic will be limited to employees, security, and/or dispensary operators. The characteristics of the proposed use are similar to a light industrial or warehouse operation, which is consistent with the surrounding uses in the area. The proposed use is not anticipated to generate significant impacts on existing circulation or traffic volume.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - **It is anticipated the proposed facility will operate similar to a light manufacturing or warehouse operation, which is consistent and compatible with other uses in this area.**
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied. The proposal meets the provisions for Medical Marijuana uses (*Active Permitted Uses Existing as of September 30, 2016*) as identified in Zoning Ordinance Section 1.403.M.1.

Active Medical Marijuana uses legally established and operating under a valid Conditional Use Permit before September 30, 2016, including extensions, renewals, and amendments to existing approvals, shall be subject to the following conditions:

 1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
 - **All operations will be conducted within a fully enclosed building. No outdoor activities are proposed, other than deliveries and necessary security measures, as spelled out in the Public Safety and Refuse Control Plan.**
 2. The Medical Marijuana use is at least 500 feet from the following uses, within the City limits:
 - a. Any residential use in a residential zoning district shown in Table 4.100.A, or the residential portion of a Planned Community District (PCD), or any portion of a Planned Residential Development (PRD) with an underlying residential zoning district comparable to the residential districts shown in Table 4.100.A
 - b. Any elementary or secondary school
 - **The proposed facility is not located within 500 feet of any of the above uses or districts.**
 3. The Medical Marijuana use is at least 1,320 feet from the following uses within the City limits:
 - a. Medical Marijuana Caregiver Cultivation

- b. Another Medical Marijuana use; however, no separation between these uses is required in the Industrial Park District (I-1) where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and anon-profit medical marijuana dispensary registration certificate under the same name or entity
 - **The proposed facility is not located within 1,320 feet of any other licensed medical marijuana facility.**
4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
 - **All separation requirements were measured and confirmed as indicated above.**
5. The applicant has provided a written exterior refuse control plan, subject to City approval.
 - **An amended Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
6. The applicant has provided a written public safety plan, subject to City approval.
 - **An amended Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispensaries, medical marijuana are no earlier than 6:00 AM and no later than 7:00 PM.
 - **The proposed hours of operation for this facility are 6:00 AM to 7:00 PM daily. There are no time restrictions for cultivation activities.**
8. There is no drive-through, take-out window, or drive-in services.
 - **None of the services listed above are proposed as part of this request.**

Water/Sewer

The City's Water Resources division has reviewed the operation plan and determined that existing water and sewer infrastructure is sufficient to accommodate the proposed use and no upgrades to existing services are required.

Public Safety

The nearest fire station is located approximately 2,300 feet northeast of the subject site at 14970 N. 78th Way (Station No.9). The site is located within Police District 4, Beat Patrol Unit #15. A Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. The proposed use is not anticipated to generate any significant impacts to existing police and fire emergency services.

Community Involvement

Property owners within 750 feet of the site were notified by mail of the applicant's request and the site is posted with the required signage. Additionally, the applicant held an Open House at the facility on 2/13/19 from 5:00 PM to 6:30 PM. There were no attendees. Prior to the Planning Commission hearing, staff received three letters in opposition to the request, citing concerns about odor, public safety and loss of property values (refer to Attachment #6).

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on April 10, 2019 and found that the Conditional Use Permit criteria have been met and recommended approval by a vote of 5-0, per the attached stipulations.

Staff Recommendation to Planning Commission

Staff recommended that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval of an amendment to an existing Conditional Use Permit (10-UP-2013) to expand an existing Medical Marijuana use from the current floor area of 1,500 square feet to 15,000 square feet (suites 1 thru 10 in two buildings), to allow for additional space for product infusion and cultivation, on a site located at 7655 E. Evans Road, with Industrial Park (I-1) District zoning, per the attached stipulations.

RECOMMENDATION

Recommended Approach:

Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 11453 for an amendment to an existing Conditional Use Permit (10-UP-2013) to expand an existing Medical Marijuana use from the current floor area of 1,500 sq. ft. to 15,000 sq. ft. (suites 1 thru 10 in two buildings), to allow for additional space for product infusion and cultivation, on a site located at 7655 E. Evans Rd., with Industrial Park District (I-1) zoning.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Greg Bloemberg
Senior Planner
480-312-4306
E-mail: gbloemberg@ScottsdaleAZ.gov

APPROVED BY



Greg Bloemberg, Report Author

4.23.19

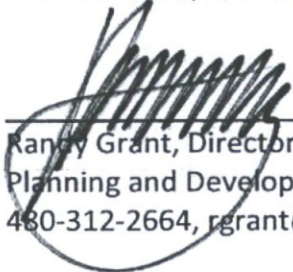
Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

4/24/2019

Date



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

4/24/19

Date

ATTACHMENTS

1. Context Aerial
2. Resolution No. 11453
 - Exhibit 1: Aerial Close-up
 - Exhibit 2: Stipulations
 - Exhibit A to Exhibit 2: Floor Plan
 - Exhibit B to Exhibit 2: Site Plan (w/ Floor Plan)
 - Exhibit 3: Additional Zoning Criteria
3. Applicant's Narrative
4. Zoning Map
5. Public Safety and Refuse Control Plan
6. Citizen Involvement
7. City Notification Map
8. April 10, 2019 Planning Commission Minutes



Patient Alternative Relief Center

10-UP-2013 #3

RESOLUTION NO. 11453

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE EXISTING CONDITIONAL USE PERMIT (10-UP-2013) TO EXPAND AN EXISTING MEDICAL MARIJUANA USE FROM THE CURRENT FLOOR AREA OF 1,500 FEET TO 15,000 SQ. FT. (SUITES 1 THRU 10 IN TWO BUILDINGS), ALLOWING ADDITIONAL SPACE FOR PRODUCT INFUSION AND CULTIVATION, ON A SITE LOCATED AT 7655 E. EVANS RD., WITH INDUSTRIAL PARK DISTRICT (I-1) ZONING.

WHEREAS, the Planning Commission held a public hearing on April 10, 2019 and

WHEREAS, the City Council, held a public hearing on May 14, 2019.

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds:

- a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and
- c) that the additional zoning requirements necessary for a medical marijuana dispensary use, set forth on Exhibit 3 have been met.

Section 2. That a description of the conditional use permit is set forth in Case No. 10-UP-2013#3. The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all the stipulations that are set forth in Exhibit 2 and Exhibit 3. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ____ day of _____, 2019.

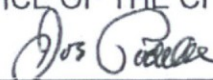
ATTEST:

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

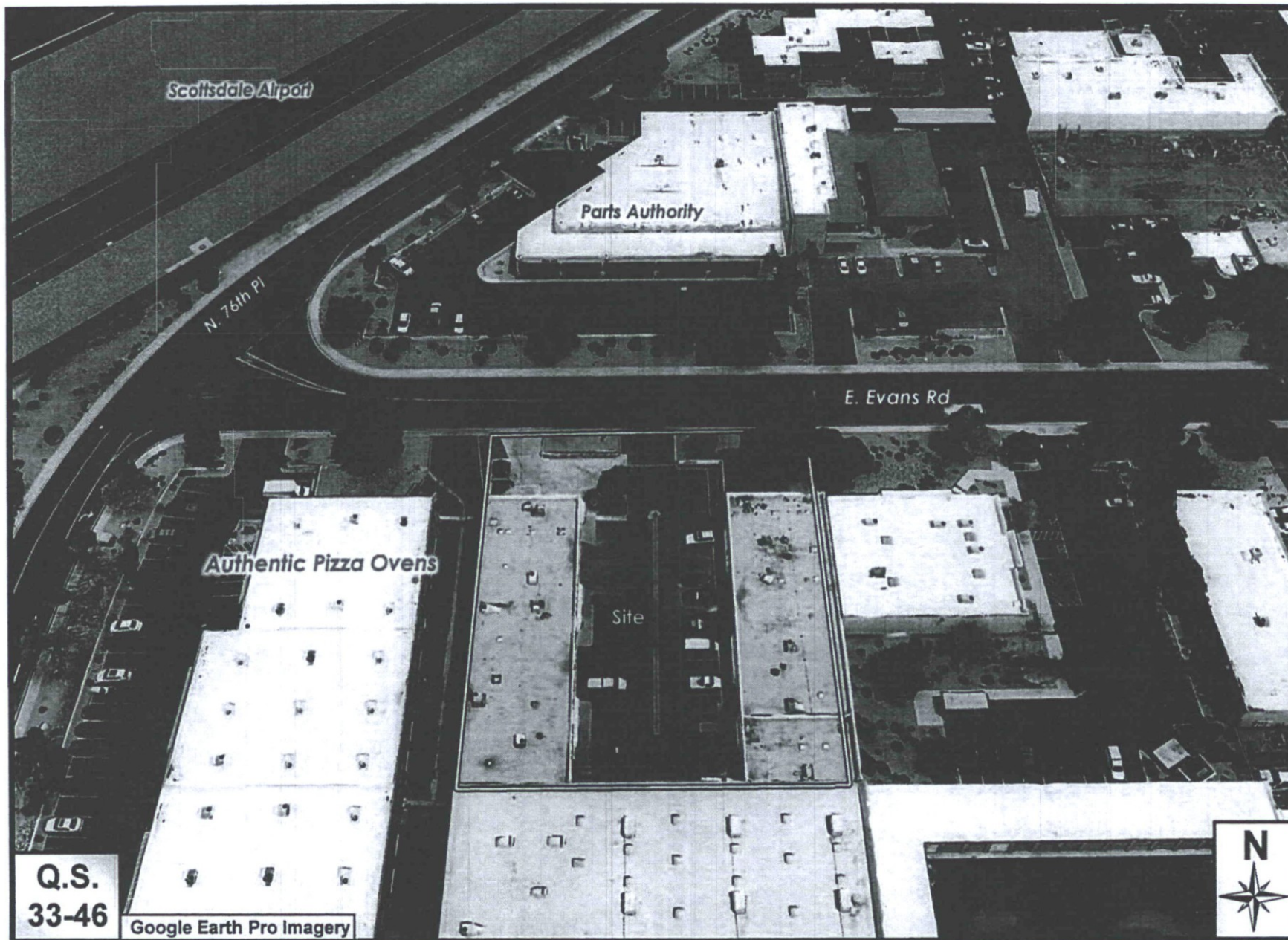
By: _____
Carolyn Jagger
City Clerk

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:  _____
Bruce Washburn, City Attorney
By: Joe Padilla, Deputy City Attorney

ATTACHMENT 2



Patient Alternative Relief Center

Exhibit 1
Resolution No. 11453
Page 1 of 1

10-UP-2013 #3

Conditional Use Permit – Medical Marijuana Use

Stipulations

Patient Alternative Relief Center

Case Number: 10-UP-2013#3

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

GOVERNANCE

1. **APPLICABILITY.** All stipulations of this case, 10-UP-2013#3, supersede all stipulations from case 10-UP-2013.

OPERATIONS

2. **CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by the applicant with the city staff date of 1/30/19, attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Parking and circulation shall conform with the conceptual site plan submitted by the applicant with the city staff date of 1/30/19, attached as Exhibit B to Exhibit 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
4. **HOURS OF BAR OPERATIONS.** The hours of operation for this establishment shall be limited to:

	Open	Closed
Sunday	6:00 AM	7:00 PM
Monday	6:00 AM	7:00 PM
Tuesday	6:00 AM	7:00 PM
Wednesday	6:00 AM	7:00 PM
Thursday	6:00 AM	7:00 PM
Friday	6:00 AM	7:00 PM
Saturday	6:00 AM	7:00 PM

5. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The operations of the medical marijuana use shall conform to the Security, Maintenance, and Operations Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning and Development Services Division. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and

Operations Plan to the Scottsdale Police Department and the Planning and Development Services Division. At least ten (10) days before any operational change of the medical marijuana use that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning and Development Services Division. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning and Development Services Division.

PARKING

6. SITE PARKING. The applicant shall re-stripe the site as needed to demonstrate a minimum of 26 parking spaces will be provided on-site, to the satisfaction of Current Planning staff. Parking space dimensions and drive aisle widths shall be consistent with the design criteria outlined in Section 9.106 of the Zoning Ordinance.

ADMINISTRATIVE/PROCESS

7. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
8. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.
9. COMPLIANCE WITH STATE LAW. The owner shall maintain in good standing all appropriate permits, licenses and certificates from the State of Arizona.

[illegible]

ADDITIONAL CRITERIA FOR MEDICAL MARIJUANA USE

M. Medical marijuana use.

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
 - a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
 - b. Any elementary or secondary school.
3. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
 - a. Medical marijuana caregiver cultivation, or
 - b. Another medical marijuana use.However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or a nonprofit medical marijuana dispensary registration certificate under the same name or organization.
4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
8. There is no drive-through service, take-out window, or drive-in service.

CUP 10-UP-2013 Amendment

Application Narrative

The Patient Alternative Relief Center ("PARC") is an Arizona not-for-profit company that has been awarded a Medical Marijuana Dispensary Registration Certificate by the Arizona Department of Health Services ("AZ DHS"). PARC operates a dispensary at 4201 E. University Drive, Phoenix, 85034. PARC is licensed, approved, and operates a 1,500 square foot offsite cultivation, kitchen, and extraction facility at 7655 E. Evans Road Suite #5, Scottsdale, 85260 ("Existing Facility"). The Existing Facility received the Conditional Use Permit ("CUP"), 10-UP-2013, at the Scottsdale City Council meeting January 14, 2014. This application is requesting an amendment to the existing CUP to expand the current company operations to 15,000 square feet.

Medical Marijuana Use

The site is zoned Industrial Park District (I-1), which allows for a wide variety of light industrial and office uses. The Medical Marijuana Use is allowed subject to the Conditional Use Permit 10-UP-2013. The site is part of the Thunderbird Industrial Airpark No. 4 commercial subdivision. The surrounding properties are zoned I-1 and are occupied by office, warehouse and light industrial uses. In addition to complying with all City of Scottsdale guidelines and requirements the site complies with Title 9, Chapter 17 of the Department of Health Services Medical Marijuana Program and A.R.S Section 36-2801, collectively called the Arizona Medical Marijuana Act.

Active Permitted Uses

The site will comply with the City of Scottsdale Basic Zoning Ordinances described in Appendix B, Section M: Medical Marijuana Use.

1. Active Medical marijuana uses legally established and operating under a valid Conditional Use Permit before September 30, 2016, including extensions, renewals, and amendments to existing approvals, shall be subject to the following conditions:
 - a. All operations will be conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
 - b. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
 - i. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
 - ii. Any elementary or secondary school or pre-school.
 - c. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
 - i. Medical marijuana caregiver cultivation use, or
 - ii. Another medical marijuana use.

However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or nonprofit medical marijuana dispensary registration certificate under the same name or organization.

- d. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
- e. The property owner has provided a written exterior refuse control plan, subject to City approval.
- f. The property owner has provided a written public safety plan, subject to City approval.
- g. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 am or no later than 7:00 pm.
- h. There is no drive-through service, take-out window, or drive-in service.

Use Permit Criteria

1. The use does not create damage or nuisance caused from noise, odor, dust, vibration, or illumination.

The commercial kitchen has received the AZ DHS Medical Marijuana Dispensary-Food Establishment License and complies with all food production and handling requirements. The kitchen has odor remediation and ventilations systems installed to minimize potential odor issues and provide for proper ventilation and employee safety. The extraction lab has been designed and built to comply with the National Fire Protection Association Class 1 Division 1 requirements to insure safe and compliant operations. Therefore, the use will not cause noise, odor, dust, vibration or illumination that may create damage or nuisance to the local area.

2. No impact to surrounding area from traffic.

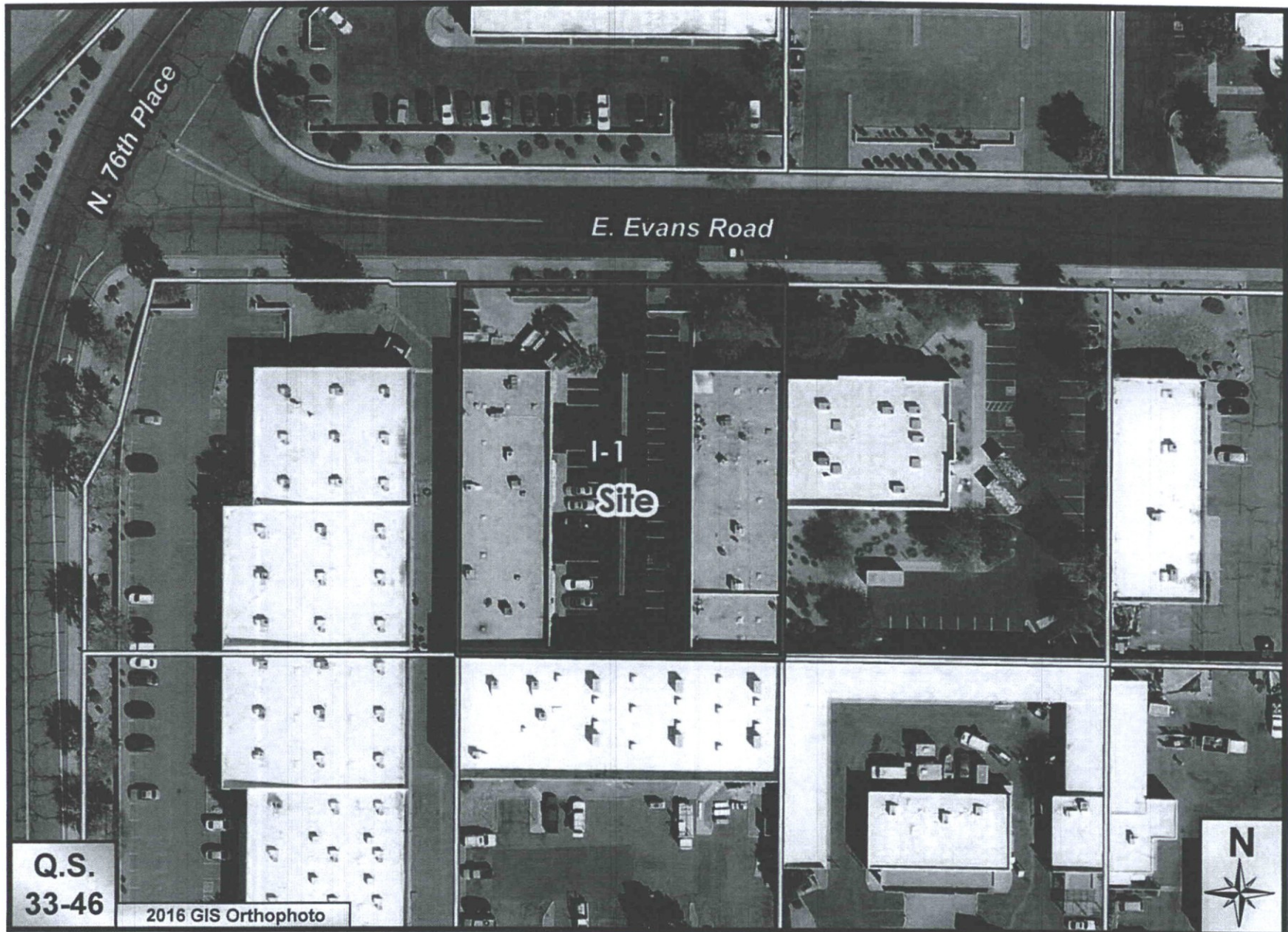
The commercial facility is not open to the public and only staff and delivery personnel with an AZ DHS valid Dispensary Agent Card are allowed on site. Therefore, there will be no increase in traffic impacting the surrounding area.

3. The use is compatible with surrounding areas.

The property is located in the Thunderbird Industrial Airpark Number 4 and zoned I-1, Industrial Park District. This designation is intended to provide space for manufacturing, processing, R&D, municipal airport and aeronautical activities, and complementary wholesale, warehouse and office operations. Therefore, the facility will operate within the zoning designation and is compatible with the surrounding areas.

4. The location meets all other additional conditions.

The location and its operations comply with all City of Scottsdale zoning requirements and other applicable regulatory agencies including the AZ DHS and National Fire Protection Association.



Patient Alternative Relief Center

10-UP-2013 #3

CITY OF SCOTTSDALE
Public Safety and Refuse Control Plan
For Medical Marijuana Facilities

Please indicate by Circling: **Dispensary**, Cultivation (and Kitchen) or **Both**

Scottsdale Police Department

3700 North 75th Street, Scottsdale, AZ 85251
Phone: 480-312-5000

City of Scottsdale Current Planning

7447 E. Indian School #105, Scottsdale AZ 85251
Phone: 480-312-7000

Existing Conditional Use Permit # 10-UP-2013 (See Addendum 1: Existing Conditional Use Permit 10-CUP-2013)

Project # _____

Assigned Planner:

Greg Bloemberg, gbloemberg@scottsdaleaz.gov
(480) 312-4306

Police Detective:

John Miller, (480) 312-8333 

Facility Name:

Patient Alternative Relief Center Cultivation & Kitchen

Facility State I.D. Number: Registration Identification Package (See Addendum 2)

- 1) Registration Certificate Identification Number:
00000091DCWY00555666;
- 2) Approval to Operate, Dispensary, 4201 E. University Drive, Phoenix, AZ 85034;
- 3) Approval to Operate, Cultivation Site, 7655 E. Evans Road Suite #5, Scottsdale, AZ 85260;
- 4) Medical Marijuana Dispensary – Food Establishment License;
- 5) Approval to Prepare, Sell or Dispense Marijuana-infused Edible Food Products.

Address:

7655 E. Evans Road Suite 5, Scottsdale, AZ 85260

Business Phone:

Manager cell, Bob Chilton 602-692-3330
Jen Gote 480-842-1681, Kayt Frazier (925) 285-9201

Maximum Occupancy: _____

Effective Date of the Plan: October 1, 2018

Date of Plan Review:

02/22/19

Use Permit Issue Date:

CUP issued January 14, 2014

Contact Person (1):

Manager Bob Chilton, 602-692-3330
bob@rainstrategies.com

Contact Person (2):

Manager Jen Gote, 480-842-1681
jen@rainstrategies.com

Contact Person (3):

Manager Kayt Frazier (925) 285-9201
kayt@parcdispensary.com

Purpose of the Plan

To address security measures, maintenance, waste management and operations for a facility that requires a Public Safety and Refuse Control Plan pursuant to Scottsdale Revised Codes. The applicable uses are as follows: Medical Marijuana Dispensary, Medical Marijuana Cultivation and Medical Marijuana Processing, all of which require a Conditional Use Permit. The contents of this Plan will address the listed concerns as well as community concerns regarding:

- Compatibility with surrounding structures and uses;
- Dispensary security and patron safety;
- Waste disposal measures related to the dispensing, cultivation or processing of the product; and
- Odor control.

It is the intent of the City of Scottsdale to provide an environment that enhances the safeguarding of property as well as public welfare and to limit the need for law enforcement involvement.

The Permittee agrees that successful execution and enforcement of this Plan are a required condition of the use permit. Termination, cancellation, deviation or non-approval of the Plan constitutes a breach of the Plan and could result in the revocation of the use permit.

Operations and Hours

1. Permittee: Patient Alternative Relief Center

Type of Organization: ☒ Arizona Corporation ☐ Corporation
☐ Sole Proprietorship ☐ LLC
☐ Partnership ☒ Other (Non-profit)

2. Managing Agents

Name: John N. Vatisas
Title: Director



Address: 6831 E. 5th Ave. Scottsdale, AZ 85251
Phone Number: (602) 451-3919

3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone: Same

4. Property Owner:
Russell Hudgins, (602) 469-1530
11201 N. Tatum Blvd. Suite 130, Phoenix, AZ 85028
rushudgins@cox.net

Property Managers:
Bob Chilton (602) 692-3330
bob@rainstrategies.com
Jen Gote (480) 842-1681
jen@rainstrategies.com
6501 E. Greenway Parkway #103-180, Scottsdale, AZ 85254
Kayt Frazier (925) 285-9201
kayt@parcdispensary.com
4201 E. University Drive, Phoenix, AZ 85034

5. Hours of Operation:

	<u>Open</u>	<u>Closed</u>
Monday	<u>6:00 am</u>	<u>7:00 pm</u>
Tuesday	<u>6:00 am</u>	<u>7:00 pm</u>
Wednesday	<u>6:00 am</u>	<u>7:00 pm</u>
Thursday	<u>6:00 am</u>	<u>7:00 pm</u>
Friday	<u>6:00 am</u>	<u>7:00 pm</u>
Saturday	<u>6:00 am</u>	<u>7:00 pm</u>
Sunday	<u>6:00 am</u>	<u>7:00 pm</u>

6. Cooperation/Complaints/Concerns:

Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:

Name: Bob Chilton Phone: (602) 692-3330, bob@rainstrategies.com
Name: Jen Gote Phone: (480) 842-1681, jen@rainstrategies.com
Name: Kayt Frazier Phone: (925) 285-9201, kayt@parcdispensary.com

Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, City of Scottsdale Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.



Public Safety Plan

Security Plan

Initial Facility Size: The existing single suite (1,500 square foot) located at 7655 E. Evans Road Suite #5 is operating under the existing Conditional Use Permit, 10-CUP-2013.

Amended Facility Size: The amendment to the existing Conditional Use Permit is to add 9 additional suites (1,500 square feet per suite) for a total of 10 suites (15,000 square feet total) located at 7655 E. Evans Road Suites #1-#10.

Facility Access: Access to the Facility is restricted to Authorized Personnel only. All Authorized Personnel must have a current and valid Dispensary Agent Card ("DA Card"). A DA Card is issued by the Arizona Department of Health Services only after the applicant has passed a background and fingerprint check. DA Cards are valid for 12 months and must be renewed prior to the anniversary of the prior issuance.

Access Control FOB: All Authorized Personnel will be assigned a uniquely numbered FOB that allows access through designated doorways only. Senior Management can allow, restrict, designate, and monitor individual user access through a security access platform provided and hosted by Pro-Data Key, pdkio.com. All personnel access data is recorded and stored through a cloud-based offsite service for 5 years. (See Addendum 3: pdk eightio Elevator Control System)

Visitor Control Access: All visitors must sign in the Visitor Log Book, be issued a numbered Visitor Badge, and be accompanied by Authorized Personnel prior to entering the facility. All visitors must log out upon exiting the facility and return the numbered Visitor Badge to Authorized Personnel. The Visitor Log Book is stored physically on site and in the Company cloud-based storage system for 5 years.

Security Monitoring and Video Surveillance: ADT provides the following security monitoring and video surveillance services 24/7: 1) burglar protection, 3) motion detection, 3) video surveillance and 4) centralized alarm system. ADT utilizes the HIK-Vision technology that can be accessed by senior management remotely using the HIK-Connect mobile application. Senior management has password protected access to all monitoring systems. Authorized Personnel will be assigned a uniquely numbered security code that allows designated staff the ability to arm and disarm the security monitoring systems. Permittee can provide data to the Arizona Department of Health Services or the Scottsdale Police Department upon request. ADT monitoring data is stored off site for a minimum of 5 years. Video surveillance records all interior patron areas and exterior parking areas. (See Addendum 4: Initial Security Monitoring System Map for Suite #5 and Addendum 5: HIKVision 2MP WDR Fixed Dome Network Camera Specifications and HIKVision Embedded Plug & Play Network Video Recorder Specifications)

Panic Button: The Facility is equipped with six interior mounted Honeywell panic buttons. The ADT installed and certified system provides direct access to local law enforcement. (See Addendum 6: Honeywell 5869 Panic Button Specifications and Procedures)

Exterior Windows and Lighting: Exterior windows are protected by iron security bars installed by a professional third-party security installation company. Additional lighting is provided above the exterior doors.

Parking Plan: In order to reduce criminal activity that negatively affects the nearby businesses or residential areas, the Permittee provides parking in designated parking areas. (See Addendum 7: Parking Plan);

Security Personnel: Upon approval of the Amended Conditional Use Permit and upon lease-up and occupancy of 75% of the total facility, the Permittee will provide professional security personal to monitor the entire facility including designated parking areas. Security personal will be readily identifiable by police, patrons, and other employees to insure the safety of all staff when involved with patrons and the local community.

Security Personnel Attire: On-site personnel shall wear an appropriate uniform-style shirt with the work "security" on both the front and back in at least 2" lettering and clearly visible. During cold weather, a jacket with the same inscription will be worn.

Security Personnel Responsibilities: Trained and professional security personnel are responsible for the following:

- Patrolling the full property of the facility during all hours when patrons are in the facility, outside the facility, and in the facility parking areas;
- Roaming the interior of the business and identifying hazards, problems, and maintaining staff and patron safety;
- Conducting roaming patrol of the exterior in an effort to prevent criminal behavior, maintain the peace and prevent refuse issues. This patrol shall include all parking areas to prevent a gathering of patrons during business hours and up to thirty (30) minutes after closing;
- Ensuring that no persons are consuming marijuana on the dispensary property, or on adjacent properties;
- Conduct traffic control as needed;
- Assist civilian security officer(s) in removal of disorderly and/or impaired patrons and maintain the peace outside the establishment; and
- If necessary, patrol the exterior portions of the business to maintain the peace as well as prevent criminal acts.

Security Personnel Reporting: Security personnel will report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Facility management, company members, corporate officers/shareholders, or facility ownership are responsible for the recording of



the act of violence, logging of the act of violence, and reporting the act of violence to the Police Department and the Arizona Department of Health Services.

Security Plan Dissemination: During the Training and On-boarding Program all Facility personnel will be educated and quizzed on the Public Safety and Refuse Control Plan. Upon completion of the On-boarding Program each facility personnel will date and execute the Public Safety and Refuse Control Plan Acknowledgement Form. Security and Facility personnel will review the Public Safety and Refuse Control Plan annually or upon any significant updates or modifications. A copy of this Plan is provided to each security officer, off-duty sworn law enforcement officer, manager(s), and assistant manager(s) employed by the Permittee. A Reading Log is maintained and signed by each of the above persons, stating they have read and understood this Plan. Furthermore, a copy of this Plan is maintained on site at all times, and a copy of this Plan is available upon request of any code enforcement officer or police officer. (See Addendum 8: Public Safety and Refuse Control Plan Reading Log);

Management Responsibilities: The Permittee must clearly delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.

- The manager(s) shall ensure that all Facility personnel, security staff and off-duty officers employed by the Facility be trained and knowledgeable about the contents of this Plan. The following shall be agreed upon and adhered to:
 - There will be a minimum of 1 manager(s) available on the premises during hours of operation;
 - If security personnel are utilized, at least one manager shall be identified as the "Security Manager" for the Facility and be responsible for ensuring that a safe environment exists, for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto; and
 - At least one security manager will be on duty until 30 minutes after closing or the last security officer is off duty, whichever occurs last.

Enforcement of Security Plan: Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees and may constitute grounds for revocation of applicable use permits relating to the Facility.



Refuse Plan

Refuse Container: It is the Permittee's responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Failure to do so will result in an investigation and possible citation from the City of Scottsdale Code Enforcement or other governmental agencies. Waste associated with the medical marijuana, including seeds, stems, leaves, oils, etc. shall be disposed of in accordance with Title 36, Chapter 28.1 of the Arizona Revised Statutes and/or Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services.

Commercial Dumpster: A commercial dumpster is provided on site by the property owner. The commercial dumpster is for non-medicated waste produced by tenants at the Facility. The commercial waste is disposed of by a third-party professional waste management company on a weekly basis.

Medical Marijuana Waste: Waste associated with the medical marijuana, including seeds, stems, leaves, oils, etc. is disposed of in accordance with Title 36, Chapter 28.1 of the Arizona Revised Statutes and/or Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services.

Medical Marijuana Waste Storage: In accordance with Arizona statutes, medical marijuana waste, that is created in the Facility, is weighed and recorded physically on the Waste Disposal Log Waste Disposal Logs are physically stored on site and scanned and stored electronically in our cloud data base system for 5 years. Then, all medicated waste is deposited in a designated red waste biohazard bag and secured using either an overhand knot or a gooseneck tie. The properly secured red biohazard waste bag is then stored in a red biohazard bin until pickup. Pickup is provided weekly by a third-party professional biohazard medical waste company contracted for services by the Facility. (See Addendum 9: Biohazard Waste Information and Contract for Services and Addendum 10: Medical Waste Proper Packaging Procedure)

Medical Marijuana Waste Inventory Tracking: In accordance with the Arizona Department of Health Services, medical marijuana waste is recorded using a Batch Numbering System and tracked in an approved Inventory Control Software System. The following steps outline the waste process within the Inventory Control Tracking System:

- Medical marijuana waste product is a byproduct of processing raw medical marijuana material;
- Waste product is physically weighed and recorded on the Waste Disposal Log;
- Waste product data is entered into the Inventory Control Software System;
- The Inventory Control Software System tracks and maintains compliance records of waste material for 5 years. (See Addendum 11: Waste Disposal Log Sheet);



Business Records Plan

Establishment of Records: In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services, the Permittee shall retain all records related to the operation of the establishment for a period of no less than 2 years. Records include all audio recordings, video recordings, written receipts, invoices and evidence of any transaction occurring within or without the establishment that are related to the establishment. Records may be maintained at an off-site location, but must be produced, if requested by any law enforcement officer, within 24 hours. Failure to maintain records for a minimum of 2 years may result in revocation of the Conditional Use Permit. Failure to produce records subsequent to a written or verbal request by any law enforcement officer within 24 hours may result in revocation of the Conditional Use Permit.

Conditional Use Permit

Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402: Conditional Use Permits, which have been approved by the City Council, shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.

- The violation of any condition imposed by the Conditional Use Permit shall constitute a violation of this ordinance and shall be subject to the requirements of Section 1.1400 et seq.;
- Conditional uses shall be developed in conformance to the approved Plans as determined by the Zoning Administrator. An amendment to a Conditional Use Permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a Conditional Use Permit or material change in the physical size, placement or structure of property subject to a Conditional Use Permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of Conditional Use Permits;
- The Zoning Administrator may recommend to the City Council and the City Council may affect revocation of a Conditional Use Permit pursuant to Section 1.402 of the Scottsdale Zoning Code for acts including but not limited to:
 - A violation of the Plan;
 - Violation of the conditions of the Use Permit;
 - Violation of Scottsdale ordinances or law;
 - Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, or failure to report acts of violence;



- Failure of the Permittee to take reasonable steps to protect the safety of persons entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations;
- Any enlargement or expansion of the premises, Plan of operation or program format without appropriate approval from the City; and
- Misrepresentations or material misstatements of the Permittee, its agents or employees.

Termination of the Plan: This Plan terminates on the date that the Permittee's use permit terminates.

Annual Review of the Plan: An annual review of this Plan may be conducted by City staff and revisions may be required.

Odor Control Plan

Odor Source: The Facility is a stand-alone 1,500 square foot suite used for the packaging and preparation of medical marijuana products. Operations related to medical marijuana products at this Facility consist of product receiving, packaging, and preparation. The only appreciable source of odors in this Facility are from the packaging operations. Packaging operations consist of receiving bulk materials and dividing them into packages for dispensing. This space is provided with an exhaust system that can be modified to prevent odor migration to the outdoors.

Series 550 Odor Removal Pleat: To achieve odor control in this Facility, a replaceable carbon filter system has been installed in the ceiling vent of the extraction room and the hood in the kitchen to remove odors vertically through the roof (See Addendum 12: Series 550 Odor Removal Pleat Specifications).

12" HO Can-Fan Portable Ventilation System: To achieve odor control in this Facility, a portable can-fan filtration system called the 12" HO Can-Fan and a portable air-ventilation system is used. The can-fan can be moved anywhere in the building that supplies an electrical outlet, based on need (See Addendum 13: Can-Fan Info Sheet).

12" BHOgart Explosion Proof Portable Ventilation System: To achieve odor control in this Facility, a BHOgart Explosion Proof portable ventilation system is used. This air-ventilation system can only be used near an electrical outlet. It has attached ducting to hook to an external vent in the ceiling for vertical air output. This ventilation system is intended to be used in conjunction with other ventilation systems. This fan is meant to



enhance an already safe work area. (See Addendum 14: BHOgart Explosion Proof Fan Specifications.)

A handwritten signature in black ink, appearing to be 'Jmm', located in the bottom right corner of the page.

APPLICANT/MANAGEMENT

Name: Bob Chilton
Address: 6501 E. Greenway Parkway #103-180, Scottsdale, AZ 85254
Phone: (602) 692-3330
Date: January 9, 2019

Signature: _____

APPROVED BY:

Detective: J. Miller
Phone: J. MILLER
Date: 02/22/19
Signature: 480.312.8333

Jgm

January 30, 2019

FEB 04 2019

Re: Neighborhood Notification Letter – 7655 E. Evans Road, Scottsdale 85034

Dear Property Owner:

The Patient Alternative Relief Center ("PARC") is an Arizona not-for-profit company that operates a commercial kitchen, extraction lab, and cultivation facility in the Scottsdale Airpark. The facility located at 7655 E. Evans Road Suite #5 received its Conditional Use Permit from the City of Scottsdale on January 14, 2014. PARC is applying with the City to amend the Conditional Use Permit and expand our operations from 1,500 square feet to a maximum of 15,000 square feet.

PARC operates a medical marijuana dispensary located in Phoenix that is licensed and complies with all city and state regulatory agencies. The commercial Airpark facility is associated with the dispensary and produces medicated product for PARC and other licensed dispensaries. The Airpark facility complies with all regulatory agencies including the City of Scottsdale, the National Fire Protection Agency, and the Arizona Department of Health Services.

The facility expansion will not impact the surrounding areas and will not change the exterior of the building. The commercial kitchen has received the AZ DHS Food Establishment License and complies with all food production and handling requirements. The kitchen has odor remediation and ventilation systems installed to minimize potential odor issues and provide for proper ventilation and employee safety. The extraction lab has been designed and built to comply with the National Fire Protection Association requirements to insure safe and compliant operations. There is no current or planned exterior signage.

An Open House will be held at the site on February 13, 2019 between 5:00 pm and 6:30 pm to allow you to tour the facility, meet the principals, and ask any questions you may have. If you cannot attend the Open House and would like to learn more about the facility, please contact me directly at bob@rainstrategies.com.

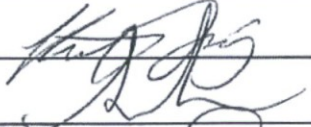
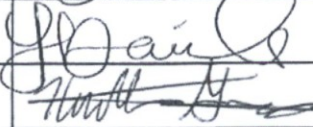
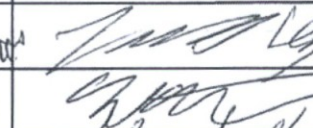
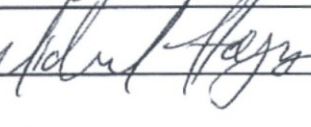



We look forward to continuing our wholesale operations in the Scottsdale Airpark.

Regards,

Bob Chilton
Manager

Public Safety Refuse and Control Plan Reading Log

I understand that, by signing this form, I have read and received training on the Patient Alternative Relief Center DBA: Local Joint Kitchen Safety Plan. By signing my name below, I am acknowledging that I understand the contents of this Safety Plan and all operations within.

DATE	PRINT	SIGN
11/13/2018	Kathryn Frazier	
11/15/2018	A. Christina Dorem	
11/15/2018	Liliana Davila	
11/15/2018	HUNTER GWINN	
11/15/2018	David Travis Frazier	
12/13/2018	Christopher Watson	
12/13/2018	Michael Haynes	

CUTLER
COMMERCIAL

BROKERAGE
MANAGEMENT
DEVELOPMENT

CLIFFORD J. CUTLER LTD.
2150 EAST HIGHLAND
SUITE 207
PHOENIX, ARIZONA 85016
602 955 3500
FAX 602 955 2828
WWW.CUTLERCOMMERCIAL.COM

City of Scottsdale
Planning & Development Services
7447 East Indian School Road
Suite 105
Scottsdale, AZ 85251-3915

We are in receipt of the City of Scottsdale's Post Card Dated March 18, 2019 with respect to the Project Under Consideration at 7655 E. Evans Road, Ste. 1-10.

We understand that public comment regarding this request is set for April 10, 2019 at 5:00 p.m. and we would ask that you please consider this response at any such hearing.

Although we are unable to attend, as property owners in the area (RGA Properties LLC, 451 East Juanita LLC, Evans Gelding LLC, and 7575 E. Redfield), we vehemently oppose amending the existing Conditional Use Permit (10-UP-2013) to expand an existing Medical Marijuana use from 1500 to 15,000 square feet for product infusion and cultivation on site.

We oppose this request because we believe that our property values will be significantly reduced by allowing such a significant expansion of the current use, and we are very concerned about any increase in the foul odors that will emanate from the property if the use was expanded by a multiple of 10 times. We also believe that expanding the use will likely make the area more likely subject to crime and violence, and will unnecessarily increase traffic in the area.

Thank you in advance for your consideration and once again we strongly OPPOSE this request and would ask that the City deny it.

Sincerely,


Cliff Cutler

C U T L E R
C O M M E R C I A L

BROKERAGE
MANAGEMENT
DEVELOPMENT

CLIFFORD J. CUTLER LTD.
2150 EAST HIGHLAND
SUITE 207
PHOENIX, ARIZONA 85016
602 955 3500
FAX 602 955 2828
WWW.CUTLERCOMMERCIAL.COM

City of Scottsdale
Planning & Development Services
7447 East Indian School Road
Suite 105
Scottsdale, AZ 85251-3915

We are in receipt of the City of Scottsdale's Post Card Dated March 18, 2019 with respect to the Project Under Consideration at 7655 E. Evans Road, Ste. 1-10.

We understand that public comment regarding this request is set for April 10, 2019 at 5:00 p.m. and we would ask that you please consider this response at any such hearing.

Although we are unable to attend, as property owners in the area (RGA Properties LLC, 451 East Juanita LLC, Evans Gelding LLC, and 7575 E. Redfield), we vehemently oppose amending the existing Conditional Use Permit (10-UP-2013) to expand an existing Medical Marijuana use from 1500 to 15,000 square feet for product infusion and cultivation on site.

We oppose this request because we believe that our property values will be significantly reduced by allowing such a significant expansion of the current use, and we are very concerned about any increase in the foul odors that will emanate from the property if the use was expanded by a multiple of 10 times. We also believe that expanding the use will likely make the area more likely subject to crime and violence, and will unnecessarily increase traffic in the area.

Thank you in advance for your consideration and once again we strongly OPPOSE this request and would ask that the City deny it.

Sincerely



Robin Cutler

City of Scottsdale
Planning & Development Services
7447 East Indian School Road
Suite 105
Scottsdale, AZ 85251-3915

We are in receipt of the City of Scottsdale's Post Card Dated March 18, 2019 with respect to the Project Under Consideration at 7655 E. Evans Road, Ste. 1-10.

We understand that public comment regarding this request is set for April 10, 2019 at 5:00 p.m. and we would ask that you please consider this response at any such hearing.

Although we are unable to attend, as property owners in the area (RGA Properties LLC, 451 East Juanita LLC, Evans Gelding LLC, and 7575 E. Redfield), we vehemently oppose amending the existing Conditional Use Permit (10-UP-2013) to expand an existing Medical Marijuana use from 1500 to 15,000 square feet for product infusion and cultivation on site.

We oppose this request because we believe that our property values will be significantly reduced by allowing such a significant expansion of the current use, and we are very concerned about any increase in the foul odors that will emanate from the property if the use was expanded by a multiple of 10 times. We also believe that expanding the use will likely make the area more likely subject to crime and violence, and will unnecessarily increase traffic in the area.

Thank you in advance for your consideration and once again we strongly OPPOSE this request and would ask that the City deny it.

Sincerely

A handwritten signature in black ink, appearing to read "R. Crotty", with a stylized flourish extending from the bottom right.

Rod Crotty

City Notifications – Mailing List Selection Map



Additional Notifications:

Interested Parties List
 Adjacent HOA's
 P&Z E-Newsletter
 Facebook
 Twitter
 Nextdoor.com
 City Website-Projects in the hearing process

Pulled Labels
 January 30, 2019

Map Legend:

Site Boundary

Properties within 750-feet

Postcards: 112

10-UP-2013#3



**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, APRIL 10, 2019

***DRAFT SUMMARIZED MEETING MINUTES ***

PRESENT: Paul Alessio, Chair
Prescott Smith, Vice Chair
Kevin Bollinger, Commissioner-Phone
Christian Serena, Commissioner
Ali Fakh, Commissioner

ABSENT: Larry S. Kush, Commissioner

STAFF: Tim Curtis
Joe Padilla
Greg Bloemberg
Chris Zimmer
Alex Acevedo

CALL TO ORDER

Chair Alessio called the regular session of the Scottsdale Planning Commission to order at 5:01 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

MINUTES REVIEW AND APPROVAL

1. Approval of March 27, 2019 Regular Meeting Minutes including Study Session.

Commissioner Serena moved to approve the March 27, 2019 Regular Meeting Minutes, including Study Session, seconded by Vice Chair Smith.

The motion carried unanimously with a vote of five (5) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Fakh, Commissioner Bollinger, and Commissioner Serena.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

CONSENT AGENDA

2. 10-UP-2013#3 (Patient Alternative Relief Center)

Request by owner to amend the existing Conditional Use Permit (10-UP-2013) to expand an existing Medical Marijuana use from the current floor area of 1,500 feet to 15,000 sq. ft. (suites 1 thru 10 in two buildings), to allow for additional space for product infusion and cultivation, on a site located at 7655 E. Evans Rd., with Industrial Park District (I-1) zoning.

Staff contact person is Greg Bloemberg, 480-312-4306. **Applicant contact person is Robert Chilton, 602-692-3330.**

Move to make a recommendation to City Council for approval of 10-UP-2013#3 by a vote of 5-0: Motion by Commissioner Fakih, per the staff recommended stipulations, after determining that the Conditional Use Permit criteria have been met, 2nd by Vice Chair Smith.

The motion carried unanimously with a vote of five (5) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Fakih, Commissioner Bollinger, and Commissioner Serena.

3. 2019 Planning Commission calendar

Request to modify the Planning Commission calendar. Change the Planning Commission and Development Review Board joint meeting from May 30th to April 25th.

Move to approve the Planning Commission calendar with the updated date of the Joint PC/DRB meeting by a vote of 5-0: Motion by Commissioner Serena, 2nd by Vice Chair Smith.

The motion carried unanimously with a vote of five (5) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Fakih, Commissioner Bollinger, and Commissioner Serena.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:09 p.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

PLANNING COMMISSION REPORT



Meeting Date: April 10, 2019
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses; support a diversity of businesses*

ACTION

**Patient Alternative Relief Center
10-UP-2013#3**

Request to consider the following:

1. A recommendation to City Council regarding a request by owner for an amendment to an existing Conditional Use Permit (10-UP-2013) to expand an existing Medical Marijuana use from the current floor area of 1,500 sq. ft. to 15,000 sq. ft. (suites 1 thru 10 in two buildings), to allow for additional space for product infusion and cultivation, on a site located at 7655 E. Evans Rd., with Industrial Park District (I-1) zoning.

Goal/Purpose of Request

The applicant seeks approval to expand an existing medical marijuana (MM) use to provide more floor area for cultivation and product infusion.

Key Items for Consideration

- Conditional Use Permit Criteria
- Current ordinance allows expansion of existing facilities in operation prior to 9/30/16, utilizing previous separation criteria
- Public Safety and Refuse Control Plan approved by Police Department
- No public comment received by staff

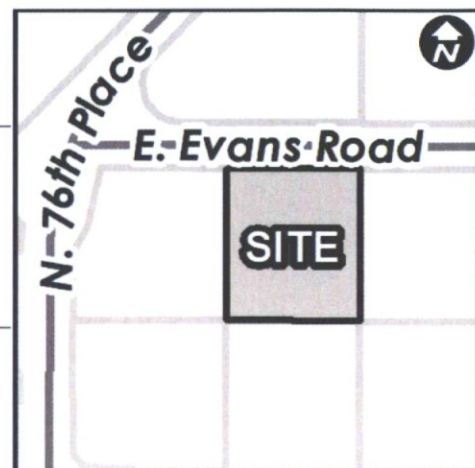
OWNER

Hot Properties LLC
602-469-1530

APPLICANT CONTACT

Robert Chilton
Rain Strategies, LLC

Action Taken _____



602-692-3330

LOCATION

7655 E. Evans Road, Suites 1 thru 10

BACKGROUND

Zoning

The site is zoned Industrial Park District (I-1), which allows for a wide variety of light industrial and office uses. A Medical Marijuana use is allowed subject to a Conditional Use Permit (CUP).

Context

The subject property is part of the Thunderbird Industrial Airpark No. 4 commercial subdivision. All the surrounding properties are also zoned I-1 and are occupied by office, warehouse and light industrial uses. The site is located 300 feet east of the Scottsdale Airport and there are no protected uses within 500 feet of the site; nor is there an existing medical marijuana facility within 1,320 feet of the site (previous CUP criteria). Please refer to context graphics attached.

Adjacent Uses and Zoning

- North: Office, zoned I-1
- South: Light Industrial, zoned I-1
- East: Office, zoned I-1
- West: Office, zoned I-1

Other Related Policies, References:

- Zoning Ordinance
- 8-TA-2010: Approved text amendment to allow MM related uses and establish use criteria
- 8-TA-2010#2: Approved text amendment to clarify separation requirements
- 8-TA-2010#3: Approved text amendment to add protected uses and increase separation requirements
- 10-UP-2013: Approved CUP for a medical marijuana facility
- 10-UP-2013#2: Request to amend existing CUP (withdrawn by applicant)

APPLICANTS PROPOSAL

Development Information

Currently, the applicant's establishment occupies one of 10 suites on the site and has been using the suite for cultivation and product infusion. This request would expand operations to all 10 suites in two buildings, though all but two of the suites would be utilized for product infusion and/or cultivation at a future date as demand warrants. No dispensary is proposed as part of the operation plan.

- Existing Use: Medical Marijuana/Light Industrial

- Proposed Use: Medical Marijuana (cultivation and infusion only)
- Parking Required: 19 spaces (1:800 for warehouse operations)
- Parking Provided: 26 spaces
- Floor Area: 15,000 square feet

IMPACT ANALYSIS

Land Use

The proposed expansion will eventually occupy all 10 suites on the site. Currently, the other suites (8 thru 10) are occupied by light industrial uses. These uses will be phased out as leases expire and current occupants relocate. The majority of uses in the surrounding area are warehouse/wholesale and office uses, similar in intensity and character to the proposed use. It is anticipated this facility will operate similar to a light industrial/warehouse use, with vehicular and foot traffic limited to employees, security, and dispensary owners only. It will not be open to the general public.

State Regulations

The Arizona Department of Health Services (ADHS) requires medical marijuana cultivation or infusion uses to operate under an existing valid medical marijuana dispensary registration certificate. The proposed cultivation/infusion facility will operate remotely in conjunction with an established medical marijuana dispensary located elsewhere in the Phoenix metro area.

Airport Vicinity

The Scottsdale Airport was made aware of this application and advised Planning staff that they did not need to review it, as the use and all buildings are existing.

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **All operations associated with this use will be conducted within the building. An odor remediation system will be utilized to mitigate the potential for odors emanating from the facility. No additional outdoor lighting is proposed as part of this application and the proposed use is compatible with surrounding uses. No damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination is anticipated.**

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **The proposed facility will not be open to the general public and vehicular and foot traffic will be limited to employees, security, and/or dispensary operators. The characteristics of the proposed use are similar to a light industrial or warehouse operation, which is consistent with the surrounding uses in the area. The proposed use is not anticipated to generate significant impacts on existing circulation or traffic volume.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - **It is anticipated the proposed facility will operate similar to a light manufacturing or warehouse operation, which is consistent and compatible with other uses in this area.**
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied. The proposal meets the provisions for Medical Marijuana uses (*Active Permitted Uses Existing as of September 30, 2016*) as identified in Zoning Ordinance Section 1.403.M.1.

Active Medical Marijuana uses legally established and operating under a valid Conditional Use Permit before September 30, 2016, including extensions, renewals, and amendments to existing approvals, shall be subject to the following conditions:

 1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
 - **All operations will be conducted within a fully enclosed building. No outdoor activities are proposed, other than deliveries and necessary security measures, as spelled out in the Public Safety and Refuse Control Plan.**
 2. The Medical Marijuana use is at least 500 feet from the following uses, within the City limits:
 - a. Any residential use in a residential zoning district shown in Table 4.100.A, or the residential portion of a Planned Community District (PCD), or any portion of a Planned Residential Development (PRD) with an underlying residential zoning district comparable to the residential districts shown in Table 4.100.A
 - b. Any elementary or secondary school
 - **The proposed facility is not located within 500 feet of any of the above uses or districts.**
 3. The Medical Marijuana use is at least 1,320 feet from the following uses within the City limits:
 - a. Medical Marijuana Caregiver Cultivation

- b. Another Medical Marijuana use; however, no separation between these uses is required in the Industrial Park District (I-1) where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and anon-profit medical marijuana dispensary registration certificate under the same name or entity
- **The proposed facility is not located within 1,320 feet of any other licensed medical marijuana facility.**
4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
 - **All separation requirements were measured and confirmed as indicated above.**
5. The applicant has provided a written exterior refuse control plan, subject to City approval.
 - **An amended Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
6. The applicant has provided a written public safety plan, subject to City approval.
 - **An amended Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispensaries, medical marijuana are no earlier than 6:00 AM and no later than 7:00 PM.
 - **The proposed hours of operation for this facility are 6:00 AM to 7:00 PM daily. There are no time restrictions for cultivation activities.**
8. There is no drive-through, take-out window, or drive-in services.
 - **None of the services listed above are proposed as part of this request.**

Water/Sewer

The City's Water Resources division has reviewed the operation plan and determined that existing water and sewer infrastructure is sufficient to accommodate the proposed use and no upgrades to existing services are required.

Public Safety

The nearest fire station is located approximately 2,300 feet northeast of the subject site at 14970 N. 78th Way (Station No.9). The site is located within Police District 4, Beat Patrol Unit #15. A Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. The proposed use is not anticipated to generate any significant impacts to existing police and fire emergency services.

Community Involvement

Property owners within 750 feet of the site were notified by mail of the applicant's request and the site is posted with the required signage. Additionally, the applicant held an Open House at the facility on 2/13/19 from 5:00 PM to 6:30 PM. There were no attendees.

STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval of an amendment to an existing Conditional Use Permit (10-UP-2013) to expand an existing Medical Marijuana use from the current floor area of 1,500 feet to 15,000 sq. ft. (suites 1 thru 10 in two buildings), to allow for additional space for product infusion and cultivation, on a site located at 7655 E. Evans Rd., with Industrial Park District (I-1) zoning, per the attached stipulations.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Greg Bloemberg
Senior Planner
480-312-4306
E-mail: gbloemberg@ScottsdaleAZ.gov

APPROVED BY



Greg Bloemberg, Report Author

3-19-19

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

3/21/2019

Date



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

3/22/19

Date

ATTACHMENTS

1. Context Aerial
- 1A. Aerial Close-Up
2. Stipulations
 - Exhibit A to Attachment 2: Floor Plan
 - Exhibit B to Attachment 2: Site Plan (w/ Floor Plan)
3. Applicant's Narrative
4. Zoning Map
5. Public Safety and Refuse Control Plan
6. Citizen Involvement
7. City Notification Map



Patient Alternative Relief Center

10-UP-2013 #3



Patient Alternative Relief Center

10-UP-2013 #3

**Conditional Use Permit – Medical Marijuana Use
Stipulations**

Patient Alternative Relief Center

Case Number: 10-UP-2013#3

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

GOVERNANCE

1. **APPLICABILITY.** All stipulations of this case, 10-UP-2013#3, supersede all stipulations from case 10-UP-2013.

OPERATIONS

2. **CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by the applicant with the city staff date of 1/30/19, attached as Exhibit A to Attachment 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Parking and circulation shall conform with the conceptual site plan submitted by the applicant with the city staff date of 1/30/19, attached as Exhibit B to Attachment 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
4. **HOURS OF BAR OPERATIONS.** The hours of operation for this establishment shall be limited to:

	Open	Closed
Sunday	6:00 AM	7:00 PM
Monday	6:00 AM	7:00 PM
Tuesday	6:00 AM	7:00 PM
Wednesday	6:00 AM	7:00 PM
Thursday	6:00 AM	7:00 PM
Friday	6:00 AM	7:00 PM
Saturday	6:00 AM	7:00 PM

5. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The operations of the medical marijuana use shall conform to the Security, Maintenance, and Operations Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning and Development Services Division. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and

Operations Plan to the Scottsdale Police Department and the Planning and Development Services Division. At least ten (10) days before any operational change of the medical marijuana use that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning and Development Services Division. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning and Development Services Division.

PARKING

6. SITE PARKING. The applicant shall re-stripe the site as needed to demonstrate a minimum of 26 parking spaces will be provided on-site, to the satisfaction of Current Planning staff. Parking space dimensions and drive aisle widths shall be consistent with the design criteria outlined in Section 9.106 of the Zoning Ordinance.

ADMINISTRATIVE/PROCESS

7. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
8. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.
9. COMPLIANCE WITH STATE LAW. The owner shall maintain in good standing all appropriate permits, licenses and certificates from the State of Arizona.

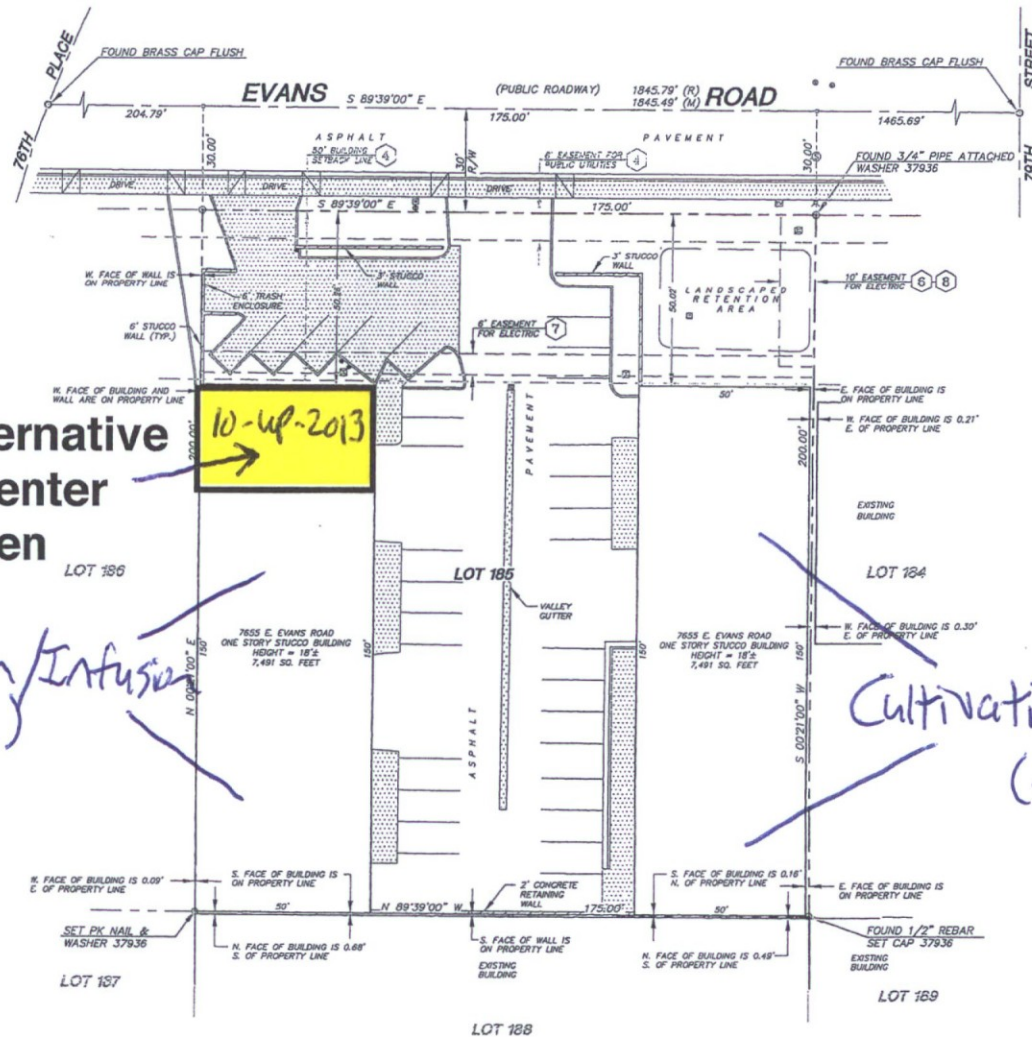
A.L.T.A./A.C.S.M. Land Title Survey

**Patient Alternative
Relief Center
Kitchen**

10-46-2013

*Cultivation/Infusion
(future)*

*Cultivation/Infusion
(future)*



CUP 10-UP-2013 Amendment

Application Narrative

The Patient Alternative Relief Center ("PARC") is an Arizona not-for-profit company that has been awarded a Medical Marijuana Dispensary Registration Certificate by the Arizona Department of Health Services ("AZ DHS"). PARC operates a dispensary at 4201 E. University Drive, Phoenix, 85034. PARC is licensed, approved, and operates a 1,500 square foot offsite cultivation, kitchen, and extraction facility at 7655 E. Evans Road Suite #5, Scottsdale, 85260 ("Existing Facility"). The Existing Facility received the Conditional Use Permit ("CUP"), 10-UP-2013, at the Scottsdale City Council meeting January 14, 2014. This application is requesting an amendment to the existing CUP to expand the current company operations to 15,000 square feet.

Medical Marijuana Use

The site is zoned Industrial Park District (I-1), which allows for a wide variety of light industrial and office uses. The Medical Marijuana Use is allowed subject to the Conditional Use Permit 10-UP-2013. The site is part of the Thunderbird Industrial Airpark No. 4 commercial subdivision. The surrounding properties are zoned I-1 and are occupied by office, warehouse and light industrial uses. In addition to complying with all City of Scottsdale guidelines and requirements the site complies will Title 9, Chapter 17 of the Department of Health Services Medical Marijuana Program and A.R.S Section 36-2801, collectively called the Arizona Medical Marijuana Act.

Active Permitted Uses

The site will comply with the City of Scottsdale Basic Zoning Ordinances described in Appendix B, Section M: Medical Marijuana Use.

1. Active Medical marijuana uses legally established and operating under a valid Conditional Use Permit before September 30, 2016, including extensions, renewals, and amendments to existing approvals, shall be subject to the following conditions:
 - a. All operations will be conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
 - b. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
 - i. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
 - ii. Any elementary or secondary school or pre-school.
 - c. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
 - i. Medical marijuana caregiver cultivation use, or
 - ii. Another medical marijuana use.

However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or nonprofit medical marijuana dispensary registration certificate under the same name or organization.

- d. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
- e. The property owner has provided a written exterior refuse control plan, subject to City approval.
- f. The property owner has provided a written public safety plan, subject to City approval.
- g. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 am or no later than 7:00 pm.
- h. There is no drive-through service, take-out window, or drive-in service.

Use Permit Criteria

1. The use does not create damage or nuisance caused from noise, odor, dust, vibration, or illumination.

The commercial kitchen has received the AZ DHS Medical Marijuana Dispensary-Food Establishment License and complies with all food production and handling requirements. The kitchen has odor remediation and ventilations systems installed to minimize potential odor issues and provide for proper ventilation and employee safety. The extraction lab has been designed and built to comply with the National Fire Protection Association Class 1 Division 1 requirements to insure safe and compliant operations. Therefore, the use will not cause noise, odor, dust, vibration or illumination that may create damage or nuisance to the local area.

2. No impact to surrounding area from traffic.

The commercial facility is not open to the public and only staff and delivery personnel with an AZ DHS valid Dispensary Agent Card are allowed on site. Therefore, there will be no increase in traffic impacting the surrounding area.

3. The use is compatible with surrounding areas.

The property is located in the Thunderbird Industrial Airpark Number 4 and zoned I-1, Industrial Park District. This designation is intended to provide space for manufacturing, processing, R&D, municipal airport and aeronautical activities, and complementary wholesale, warehouse and office operations. Therefore, the facility will operate within the zoning designation and is compatible with the surrounding areas.

4. The location meets all other additional conditions.

The location and its operations comply with all City of Scottsdale zoning requirements and other applicable regulatory agencies including the AZ DHS and National Fire Protection Association.



Patient Alternative Relief Center

10-UP-2013 #3

CITY OF SCOTTSDALE
Public Safety and Refuse Control Plan
For Medical Marijuana Facilities

Please indicate by Circling: **Dispensary**, **Cultivation (and Kitchen)** or **Both**

Scottsdale Police Department

3700 North 75th Street, Scottsdale, AZ 85251
Phone: 480-312-5000

City of Scottsdale Current Planning

7447 E. Indian School #105, Scottsdale AZ 85251
Phone: 480-312-7000

Existing Conditional Use Permit # 10-UP-2013 (See Addendum 1: Existing Conditional Use Permit 10-CUP-2013)

Project # _____

Assigned Planner:

Greg Bloemberg, gbloemberg@scottsdaleaz.gov
(480) 312-4306

Police Detective:

John Miller, (480) 312-8333 

Facility Name:

Patient Alternative Relief Center Cultivation & Kitchen

Facility State I.D. Number: Registration Identification Package (See Addendum 2)

- 1) Registration Certificate Identification Number:
00000091DCWY00555666;
- 2) Approval to Operate, Dispensary, 4201 E. University Drive, Phoenix, AZ 85034;
- 3) Approval to Operate, Cultivation Site, 7655 E. Evans Road Suite #5, Scottsdale, AZ 85260;
- 4) Medical Marijuana Dispensary – Food Establishment License;
- 5) Approval to Prepare, Sell or Dispense Marijuana-infused Edible Food Products.

Address:

7655 E. Evans Road Suite 5, Scottsdale, AZ 85260

Business Phone:

Manager cell, Bob Chilton 602-692-3330
Jen Gote 480-842-1681, Kayt Frazier (925) 285-9201

Maximum Occupancy:

Effective Date of the Plan: October 1, 2018



Date of Plan Review:

02/22/19

Use Permit Issue Date:

CUP issued January 14, 2014

Contact Person (1):

Manager Bob Chilton, 602-692-3330
bob@rainstrategies.com

Contact Person (2):

Manager Jen Gote, 480-842-1681
jen@rainstrategies.com

Contact Person (3):

Manager Kayt Frazier (925) 285-9201
kayt@parcdispensary.com

Purpose of the Plan

To address security measures, maintenance, waste management and operations for a facility that requires a Public Safety and Refuse Control Plan pursuant to Scottsdale Revised Codes. The applicable uses are as follows: Medical Marijuana Dispensary, Medical Marijuana Cultivation and Medical Marijuana Processing, all of which require a Conditional Use Permit. The contents of this Plan will address the listed concerns as well as community concerns regarding:

- Compatibility with surrounding structures and uses;
- Dispensary security and patron safety;
- Waste disposal measures related to the dispensing, cultivation or processing of the product; and
- Odor control.

It is the intent of the City of Scottsdale to provide an environment that enhances the safeguarding of property as well as public welfare and to limit the need for law enforcement involvement.

The Permittee agrees that successful execution and enforcement of this Plan are a required condition of the use permit. Termination, cancellation, deviation or non-approval of the Plan constitutes a breach of the Plan and could result in the revocation of the use permit.

Operations and Hours

1. Permittee: Patient Alternative Relief Center

Type of Organization: ☒ Arizona Corporation ☐ Corporation
☐ Sole Proprietorship ☐ LLC
☐ Partnership ☒ Other (Non-profit)

2. Managing Agents

Name: John N. Vatistas
Title: Director

Address: 6831 E. 5th Ave. Scottsdale, AZ 85251
Phone Number: (602) 451-3919

3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone: Same

4. Property Owner:
Russell Hudgins, (602) 469-1530
11201 N. Tatum Blvd. Suite 130, Phoenix, AZ 85028
rushudgins@cox.net

Property Managers:
Bob Chilton (602) 692-3330
bob@rainstrategies.com
Jen Gote (480) 842-1681
jen@rainstrategies.com
6501 E. Greenway Parkway #103-180, Scottsdale, AZ 85254
Kayt Frazier (925) 285-9201
kayt@parcdispensary.com
4201 E. University Drive, Phoenix, AZ 85034

5. Hours of Operation:

	<u>Open</u>	<u>Closed</u>
Monday	<u>6:00 am</u>	<u>7:00 pm</u>
Tuesday	<u>6:00 am</u>	<u>7:00 pm</u>
Wednesday	<u>6:00 am</u>	<u>7:00 pm</u>
Thursday	<u>6:00 am</u>	<u>7:00 pm</u>
Friday	<u>6:00 am</u>	<u>7:00 pm</u>
Saturday	<u>6:00 am</u>	<u>7:00 pm</u>
Sunday	<u>6:00 am</u>	<u>7:00 pm</u>

6. Cooperation/Complaints/Concerns:

Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:

Name: Bob Chilton Phone: (602) 692-3330, bob@rainstrategies.com
Name: Jen Gote Phone: (480) 842-1681, jen@rainstrategies.com
Name: Kayt Frazier Phone: (925) 285-9201, kayt@parcdispensary.com

Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, City of Scottsdale Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.



Public Safety Plan

Security Plan

Initial Facility Size: The existing single suite (1,500 square foot) located at 7655 E. Evans Road Suite #5 is operating under the existing Conditional Use Permit, 10-CUP-2013.

Amended Facility Size: The amendment to the existing Conditional Use Permit is to add 9 additional suites (1,500 square feet per suite) for a total of 10 suites (15,000 square feet total) located at 7655 E. Evans Road Suites #1-#10.

Facility Access: Access to the Facility is restricted to Authorized Personnel only. All Authorized Personnel must have a current and valid Dispensary Agent Card ("DA Card"). A DA Card is issued by the Arizona Department of Health Services only after the applicant has passed a background and fingerprint check. DA Cards are valid for 12 months and must be renewed prior to the anniversary of the prior issuance.

Access Control FOB: All Authorized Personnel will be assigned a uniquely numbered FOB that allows access through designated doorways only. Senior Management can allow, restrict, designate, and monitor individual user access through a security access platform provided and hosted by Pro-Data Key, pdkio.com. All personnel access data is recorded and stored through a cloud-based offsite service for 5 years. (See Addendum 3: pdk eightio Elevator Control System)

Visitor Control Access: All visitors must sign in the Visitor Log Book, be issued a numbered Visitor Badge, and be accompanied by Authorized Personnel prior to entering the facility. All visitors must log out upon exiting the facility and return the numbered Visitor Badge to Authorized Personnel. The Visitor Log Book is stored physically on site and in the Company cloud-based storage system for 5 years.

Security Monitoring and Video Surveillance: ADT provides the following security monitoring and video surveillance services 24/7: 1) burglar protection, 3) motion detection, 3) video surveillance and 4) centralized alarm system. ADT utilizes the HIK-Vision technology that can be accessed by senior management remotely using the HIK-Connect mobile application. Senior management has password protected access to all monitoring systems. Authorized Personnel will be assigned a uniquely numbered security code that allows designated staff the ability to arm and disarm the security monitoring systems. Permittee can provide data to the Arizona Department of Health Services or the Scottsdale Police Department upon request. ADT monitoring data is stored off site for a minimum of 5 years. Video surveillance records all interior patron areas and exterior parking areas. (See Addendum 4: Initial Security Monitoring System Map for Suite #5 and Addendum 5: HIKVision 2MP WDR Fixed Dome Network Camera Specifications and HIKVision Embedded Plug & Play Network Video Recorder Specifications)



Panic Button: The Facility is equipped with six interior mounted Honeywell panic buttons. The ADT installed and certified system provides direct access to local law enforcement. (See Addendum 6: Honeywell 5869 Panic Button Specifications and Procedures)

Exterior Windows and Lighting: Exterior windows are protected by iron security bars installed by a professional third-party security installation company. Additional lighting is provided above the exterior doors.

Parking Plan: In order to reduce criminal activity that negatively affects the nearby businesses or residential areas, the Permittee provides parking in designated parking areas. (See Addendum 7: Parking Plan);

Security Personnel: Upon approval of the Amended Conditional Use Permit and upon lease-up and occupancy of 75% of the total facility, the Permittee will provide professional security personal to monitor the entire facility including designated parking areas. Security personal will be readily identifiable by police, patrons, and other employees to insure the safety of all staff when involved with patrons and the local community.

Security Personnel Attire: On-site personnel shall wear an appropriate uniform-style shirt with the work "security" on both the front and back in at least 2" lettering and clearly visible. During cold weather, a jacket with the same inscription will be worn.

Security Personnel Responsibilities: Trained and professional security personnel are responsible for the following:

- Patrolling the full property of the facility during all hours when patrons are in the facility, outside the facility, and in the facility parking areas;
- Roaming the interior of the business and identifying hazards, problems, and maintaining staff and patron safety;
- Conducting roaming patrol of the exterior in an effort to prevent criminal behavior, maintain the peace and prevent refuse issues. This patrol shall include all parking areas to prevent a gathering of patrons during business hours and up to thirty (30) minutes after closing;
- Ensuring that no persons are consuming marijuana on the dispensary property, or on adjacent properties;
- Conduct traffic control as needed;
- Assist civilian security officer(s) in removal of disorderly and/or impaired patrons and maintain the peace outside the establishment; and
- If necessary, patrol the exterior portions of the business to maintain the peace as well as prevent criminal acts.

Security Personnel Reporting: Security personnel will report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Facility management, company members, corporate officers/shareholders, or facility ownership are responsible for the recording of



the act of violence, logging of the act of violence, and reporting the act of violence to the Police Department and the Arizona Department of Health Services.

Security Plan Dissemination: During the Training and On-boarding Program all Facility personnel will be educated and quizzed on the Public Safety and Refuse Control Plan. Upon completion of the On-boarding Program each facility personnel will date and execute the Public Safety and Refuse Control Plan Acknowledgement Form. Security and Facility personnel will review the Public Safety and Refuse Control Plan annually or upon any significant updates or modifications. A copy of this Plan is provided to each security officer, off-duty sworn law enforcement officer, manager(s), and assistant manager(s) employed by the Permittee. A Reading Log is maintained and signed by each of the above persons, stating they have read and understood this Plan. Furthermore, a copy of this Plan is maintained on site at all times, and a copy of this Plan is available upon request of any code enforcement officer or police officer. (See Addendum 8: Public Safety and Refuse Control Plan Reading Log);

Management Responsibilities: The Permittee must clearly delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.

- The manager(s) shall ensure that all Facility personnel, security staff and off-duty officers employed by the Facility be trained and knowledgeable about the contents of this Plan. The following shall be agreed upon and adhered to:
 - There will be a minimum of 1 manager(s) available on the premises during hours of operation;
 - If security personnel are utilized, at least one manager shall be identified as the "Security Manager" for the Facility and be responsible for ensuring that a safe environment exists, for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto; and
 - At least one security manager will be on duty until 30 minutes after closing or the last security officer is off duty, whichever occurs last.

Enforcement of Security Plan: Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees and may constitute grounds for revocation of applicable use permits relating to the Facility.



Refuse Plan

Refuse Container: It is the Permittee's responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Failure to do so will result in an investigation and possible citation from the City of Scottsdale Code Enforcement or other governmental agencies. Waste associated with the medical marijuana, including seeds, stems, leaves, oils, etc. shall be disposed of in accordance with Title 36, Chapter 28.1 of the Arizona Revised Statutes and/or Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services.

Commercial Dumpster: A commercial dumpster is provided on site by the property owner. The commercial dumpster is for non-medicated waste produced by tenants at the Facility. The commercial waste is disposed of by a third-party professional waste management company on a weekly basis.

Medical Marijuana Waste: Waste associated with the medical marijuana, including seeds, stems, leaves, oils, etc. is disposed of in accordance with Title 36, Chapter 28.1 of the Arizona Revised Statutes and/or Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services.

Medical Marijuana Waste Storage: In accordance with Arizona statutes, medical marijuana waste, that is created in the Facility, is weighed and recorded physically on the Waste Disposal Log. Waste Disposal Logs are physically stored on site and scanned and stored electronically in our cloud data base system for 5 years. Then, all medicated waste is deposited in a designated red waste biohazard bag and secured using either an overhand knot or a gooseneck tie. The properly secured red biohazard waste bag is then stored in a red biohazard bin until pickup. Pickup is provided weekly by a third-party professional biohazard medical waste company contracted for services by the Facility. (See Addendum 9: Biohazard Waste Information and Contract for Services and Addendum 10: Medical Waste Proper Packaging Procedure)

Medical Marijuana Waste Inventory Tracking: In accordance with the Arizona Department of Health Services, medical marijuana waste is recorded using a Batch Numbering System and tracked in an approved Inventory Control Software System. The following steps outline the waste process within the Inventory Control Tracking System:

- Medical marijuana waste product is a biproduct of processing raw medical marijuana material;
- Waste product is physically weighed and recorded on the Waste Disposal Log;
- Waste product data is entered into the Inventory Control Software System;
- The Inventory Control Software System tracks and maintains compliance records of waste material for 5 years. (See Addendum 11: Waste Disposal Log Sheet);



Business Records Plan

Establishment of Records: In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services, the Permittee shall retain all records related to the operation of the establishment for a period of no less than 2 years. Records include all audio recordings, video recordings, written receipts, invoices and evidence of any transaction occurring within or without the establishment that are related to the establishment. Records may be maintained at an off-site location, but must be produced, if requested by any law enforcement officer, within 24 hours. Failure to maintain records for a minimum of 2 years may result in revocation of the Conditional Use Permit. Failure to produce records subsequent to a written or verbal request by any law enforcement officer within 24 hours may result in revocation of the Conditional Use Permit.

Conditional Use Permit

Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402: Conditional Use Permits, which have been approved by the City Council, shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.

- The violation of any condition imposed by the Conditional Use Permit shall constitute a violation of this ordinance and shall be subject to the requirements of Section 1.1400 et seq.;
- Conditional uses shall be developed in conformance to the approved Plans as determined by the Zoning Administrator. An amendment to a Conditional Use Permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a Conditional Use Permit or material change in the physical size, placement or structure of property subject to a Conditional Use Permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of Conditional Use Permits;
- The Zoning Administrator may recommend to the City Council and the City Council may affect revocation of a Conditional Use Permit pursuant to Section 1.402 of the Scottsdale Zoning Code for acts including but not limited to:
 - A violation of the Plan;
 - Violation of the conditions of the Use Permit;
 - Violation of Scottsdale ordinances or law;
 - Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, or failure to report acts of violence;



- Failure of the Permittee to take reasonable steps to protect the safety of persons entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations;
- Any enlargement or expansion of the premises, Plan of operation or program format without appropriate approval from the City; and
- Misrepresentations or material misstatements of the Permittee, its agents or employees.

Termination of the Plan: This Plan terminates on the date that the Permittee's use permit terminates.

Annual Review of the Plan: An annual review of this Plan may be conducted by City staff and revisions may be required.

Odor Control Plan

Odor Source: The Facility is a stand-alone 1,500 square foot suite used for the packaging and preparation of medical marijuana products. Operations related to medical marijuana products at this Facility consist of product receiving, packaging, and preparation. The only appreciable source of odors in this Facility are from the packaging operations. Packaging operations consist of receiving bulk materials and dividing them into packages for dispensing. This space is provided with an exhaust system that can be modified to prevent odor migration to the outdoors.

Series 550 Odor Removal Pleat: To achieve odor control in this Facility, a replaceable carbon filter system has been installed in the ceiling vent of the extraction room and the hood in the kitchen to remove odors vertically through the roof (See Addendum 12: Series 550 Odor Removal Pleat Specifications).

12" HO Can-Fan Portable Ventilation System: To achieve odor control in this Facility, a portable can-fan filtration system called the 12" HO Can-Fan and a portable air-ventilation system is used. The can-fan can be moved anywhere in the building that supplies an electrical outlet, based on need (See Addendum 13: Can-Fan Info Sheet).

12" BHOgart Explosion Proof Portable Ventilation System: To achieve odor control in this Facility, a BHOgart Explosion Proof portable ventilation system is used. This air-ventilation system can only be used near an electrical outlet. It has attached ducting to hook to an external vent in the ceiling for vertical air output. This ventilation system is intended to be used in conjunction with other ventilation systems. This fan is meant to



enhance an already safe work area. (See Addendum 14: BHOgart Explosion Proof Fan Specifications.)

A handwritten signature in black ink, appearing to be 'Jm' or similar, located in the bottom right corner of the page.

APPLICANT/MANAGEMENT

Name: Bob Chilton
Address: 6501 E. Greenway Parkway #103-180, Scottsdale, AZ 85254
Phone: (602) 692-3330
Date: January 9, 2019

Signature: _____

APPROVED BY:

Detective: J. Miller
Phone: J. MILLER
Date: 02/22/19
Signature: 480.312.8333

Jgm

January 30, 2019

FEB 04 2019

Re: Neighborhood Notification Letter – 7655 E. Evans Road, Scottsdale 85034

Dear Property Owner:

The Patient Alternative Relief Center ("PARC") is an Arizona not-for-profit company that operates a commercial kitchen, extraction lab, and cultivation facility in the Scottsdale Airpark. The facility located at 7655 E. Evans Road Suite #5 received its Conditional Use Permit from the City of Scottsdale on January 14, 2014. PARC is applying with the City to amend the Conditional Use Permit and expand our operations from 1,500 square feet to a maximum of 15,000 square feet.

PARC operates a medical marijuana dispensary located in Phoenix that is licensed and complies with all city and state regulatory agencies. The commercial Airpark facility is associated with the dispensary and produces medicated product for PARC and other licensed dispensaries. The Airpark facility complies with all regulatory agencies including the City of Scottsdale, the National Fire Protection Agency, and the Arizona Department of Health Services.

The facility expansion will not impact the surrounding areas and will not change the exterior of the building. The commercial kitchen has received the AZ DHS Food Establishment License and complies with all food production and handling requirements. The kitchen has odor remediation and ventilation systems installed to minimize potential odor issues and provide for proper ventilation and employee safety. The extraction lab has been designed and built to comply with the National Fire Protection Association requirements to insure safe and compliant operations. There is no current or planned exterior signage.

An Open House will be held at the site on February 13, 2019 between 5:00 pm and 6:30 pm to allow you to tour the facility, meet the principals, and ask any questions you may have. If you cannot attend the Open House and would like to learn more about the facility, please contact me directly at bob@rainstrategies.com.


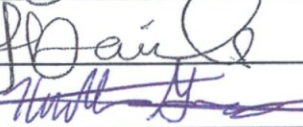
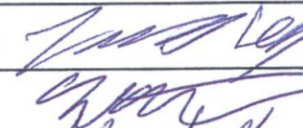
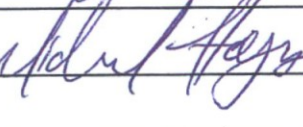
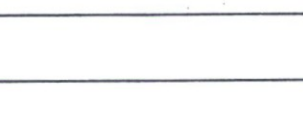
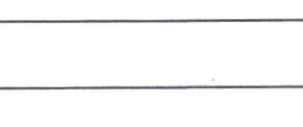

We look forward to continuing our wholesale operations in the Scottsdale Airpark.

Regards,

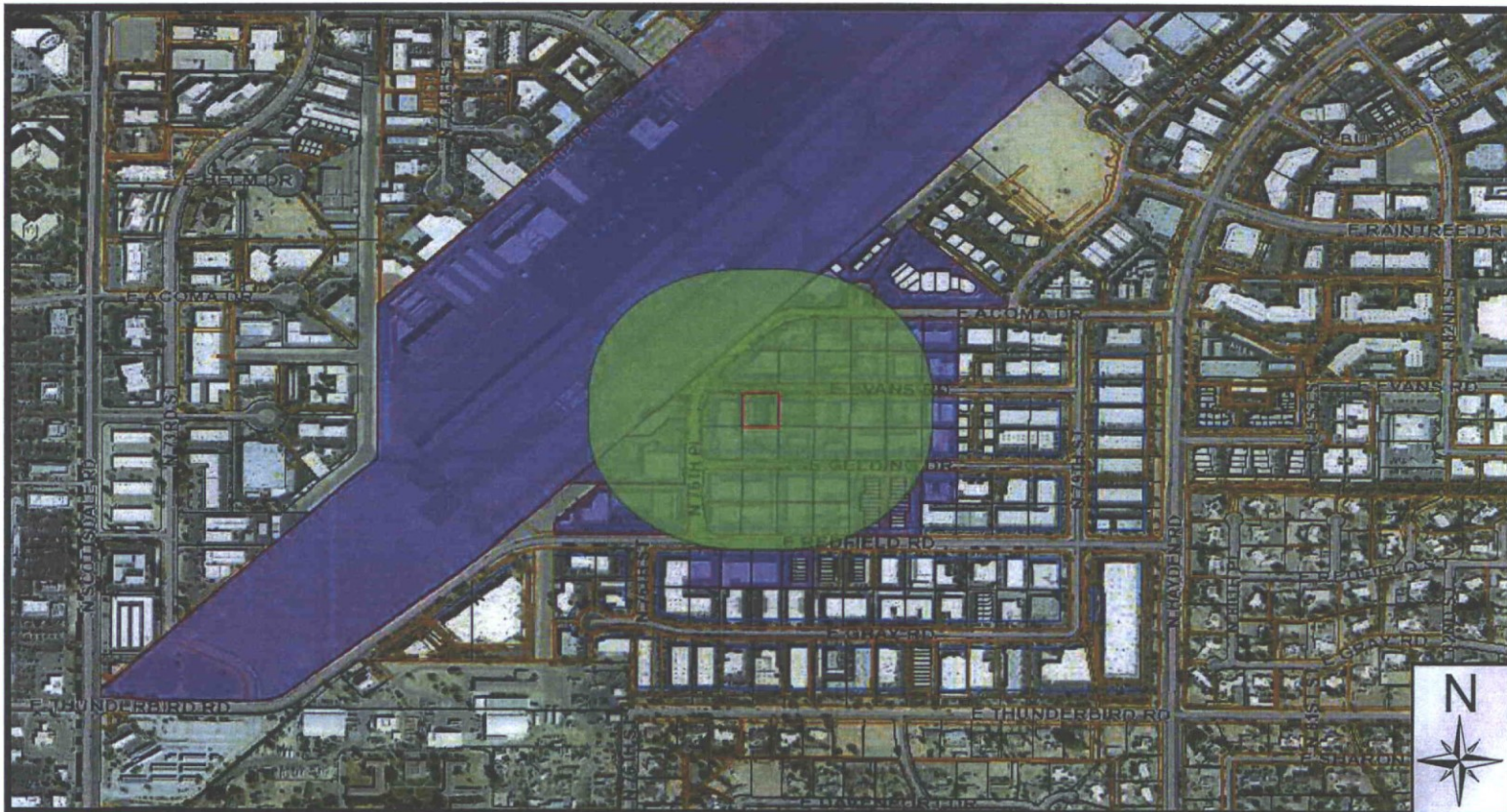
Bob Chilton
Manager

Public Safety Refuse and Control Plan Reading Log

I understand that, by signing this form, I have read and received training on the Patient Alternative Relief Center DBA: Local Joint Kitchen Safety Plan. By signing my name below, I am acknowledging that I understand the contents of this Safety Plan and all operations within.

DATE	PRINT	SIGN
11/13/2018	Kathryn Frazier	
11/15/2018	A. Christina Durean	
11/15/2018	Liliana Davila	
11/15/2018	HUNTER GWINN	
11/15/2018	Hunter Travis Frazier	
12/13/2018	Christopher Watson	
10/13/2018	Michael Haynes	

City Notifications – Mailing List Selection Map



Additional Notifications:

Interested Parties List
 Adjacent HOA's
 P&Z E-Newsletter
 Facebook
 Twitter
 Nextdoor.com
 City Website-Projects in the hearing process

Pulled Labels
 January 30, 2019

Map Legend:

- Site Boundary
- Properties within 750-feet

Postcards: 112

10-UP-2013#3